

EXHIBIT D

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January 30, 2025

Zaneta Kim
GIBSON, DUNN & CRUTCHER LLP
310 University Avenue
Palo Alto, California 94301-1744

Re: *Biao Wang v. Zymergen Inc., et al.*, No. 5:21-cv-06028-PCP (N.D. Cal.)

Dear Zaneta:

We write on behalf of non-party Baron Capital Management, Inc. (“Baron Capital”) regarding the Court’s Case Management Order entered on April 1, 2024, setting a January 31, 2025 Fact Discovery Cutoff. As discussed, we understand that the parties in this action are drafting a stipulation extending the date for the Baron Capital document production and deposition to be completed by February 28, 2025.

Baron Capital is continuing to produce documents pursuant to our meet and confers and expects to complete our document production to the DCVC Defendants¹ within that timeframe. Regarding your request for a deposition, Baron Capital will not object to such a deposition -- if taken in February -- on the grounds that the Fact Discovery Cutoff has passed. We continue to believe, however, that such a deposition is unnecessary, and our position here is without prejudice to our right to object to the deposition on any other basis, including on burden and/or relevancy grounds.

We reserve all rights. Thank you.

Sincerely,

/s/ Jonathan Polkes

Jonathan Polkes

¹ The “DCVC Defendants” include Defendants Data Collective II, L.P., DCVC Opportunity Fund, L.P., and DCVC Management Co, LLC.